

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Ronnie Lee Poe,)	
)	
Plaintiff,)	No. CV 08-402 TUC JMR (DTF)
)	
vs.)	ORDER
)	
Michael J. Astrue, Commissioner of Social)	
Security,)	
)	
Defendant.)	

This case involves an appeal by Plaintiff from the Commissioner's denial of social security benefits. On January 5, 2009 Plaintiff filed a motion for summary judgment (Doc. No. 16). On February 24, 2008 the Commissioner filed his answering brief (Doc. No 24). On March 19, 2009 Plaintiff filed his Reply (Doc. No. 27). On June 26, 2009, after a thorough and well documented analysis, Magistrate Judge Ferraro issued a Report and Recommendation ("R&R") to this Court. Neither party filed an objection to the R&R. Magistrate Judge Ferraro recommended that this Court grant Plaintiff's motion for summary judgment and remand for further proceedings.

When there are no objections to the R&R, the Court will modify or set aside only those portions that are clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F.Supp.2d 1203, 1204 (D. Or. 1998). The Court has carefully reviewed the

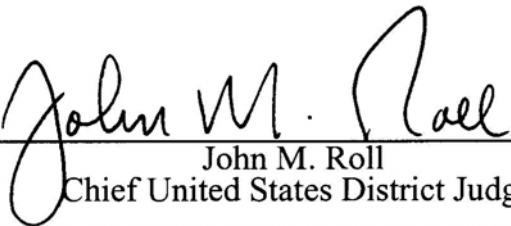
entire record and concludes that Magistrate Judge Ferraro's recommendations are not clearly erroneous or contrary to law.

Accordingly,

IT IS ORDERED that the **REPORT AND RECOMMENDATION** of Magistrate Judge Ferraro (Doc. No. 39) is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment (Doc. No. 29) is **GRANTED**, and this matter remanded for further proceedings consistent with Judge Ferraro's order.

DATED this 11th day of August, 2009.



John M. Roll
Chief United States District Judge